EVIDENCE—OPINION—WHETHER AUTOMOBILE COULD HAVE BEEN STOPPED SOONER.—In a suit against D for running over and killing P's infant son, D was asked by his attorney whether he could have stopped the automobile sooner than he did. Upon objection, the court *held,* that the question was improper since it called for conclusions which should be drawn by the jury from the facts given by the witness. *Taylor* v. *Lewis,* (Ala., 1921), 89 So. 581.

The general rule is that a witness must be confined to a statement of the facts and will not be permitted to testify to opinions, inferences, or conclusions based on the facts. See 3 WIGMORE, EVID., § 1917. When all the facts are before the jury it is superfluous to add, by way of testimony, inferences which the jury can equally well draw for themselves. 3 WIGMORE, EVID., § 1918; 1 GREENLEAF, EVID., § 441 b. The reason is not that it is attempting to usurp the functions of the jury, as the principal case intimates. *Beaubien* v. *Cicotte,* 12 Mich. 459. Nor is it because an opinion should not be given on the very issue before the jury. *Snow* v. *Boston and Maine R. Co.,* 65 Me. 230. It is merely because the testimony is superfluous and unnecessary. However, in the principal case it would seem that it would be impossible to place before the jury all the facts upon which the possibility of stopping the automobile depended, and if the inference of a witness would be helpful to them it should be admitted. 3 WIGMORE, EVID., § 1921. Witnesses of ordinary ability may testify as to the speed of automobiles. *Denver, O. & C. Co.* v. *Krebs,* 255 Fed. 543; *Creedon* v. *Galvin,* 226 Mass. 140; 3 CHAMBERLAYNE, EVID., § 2086. But a witness must be shown to be especially fitted by experience in operation to testify as to the distance in which one may be stopped. *Goldblatt* v. *Brocklebank,* 166 Ill. App. 315; *Hamilton, H. & Co.* v. *Larrimer,* 183 Ind. 429; BERRY, AUTOMOBILES, 1012. Had the defendant been shown thus qualified it would seem that his opinion should have been admitted. *Scholl* v. *Grayson,* 147 Mo. App. 652; *Crandall* v. *Krause,* 165 Ill. App. 15.

EVIDENCE—WITNESSES—COURT CANNOT REQUIRE PROSECUTRIX IN RAPE CASE TO SUBJECT HERSELF TO EXAMINATION BY PHYSICIAN.—Prosecutrix in a rape case denied that she had previous intercourse with accused, and asserted she had never had intercourse with any man. Accused then requested that court order the prosecutrix to undergo a physical examination, asserting that if the examination revealed the fact that she was not virtuous it would support the theory that she had been indulging in sexual intercourse with defendant, and tend to discredit her testimony as to the alleged assault. *Held,* there is no rule of law that would authorize the trial judge to require a witness to subject herself to such an examination, or any right to enforce such an order if made. *Rettig* v. *State* (Tex. 1921), 233 S. W. 839.

Whether or not the courts have inherent power to compel parties to submit their persons to physical examination is in conflict. In *Union Pac. Ry. Co.* v. *Botsford,* 141 U. S. 250, which was a civil action for injury to the person, the court refused to give such an order on the ground that the power to compel a physical examination was "never known to the common law,